

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

13 CR. 165 (LTS)

5 MANUEL LLUBERES RODRIGUEZ,

6 Defendant.

7 -----x  
8 New York, N.Y.  
9 January 4, 2016  
3:05 p.m.

10 Before:

11 HON. LAURA TAYLOR SWAIN,

12 Judge

13  
14 APPEARANCES

15 PREET BHARARA

United States Attorney for the  
Southern District of New York

16 ELISHA KOBRE

17 Assistant United States Attorney

18 JOSHUA L. DRATEL

Attorney for Defendant

19 ALSO PRESENT: SELVA NEBBIA, INTERPRETER (SPANISH)  
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1 (Case called)

2 THE COURT: Good afternoon.

3 May I have a status report, please.

4 MR. KOBRE: Sure. Your Honor, as the government  
5 indicated in its letter of December 16, this is a case in which  
6 the defendant was extradited. He was extradited from Panama  
7 having been originally arrested in Panama by the Panamanian  
8 authorities on April 24, 2014.

9 There were some proceedings there related to his  
10 extradition, and those ended on December 10, 2015, when US  
11 authorities went to Panama and took custody of him and brought  
12 him over here to the United States.

13 Per the referral by your Honor's law clerk, the  
14 defendant was presented and arraigned here the following day,  
15 arraigned on the indictment which contains two counts. Two  
16 narcotics conspiracies are charged in the indictment.

17 THE COURT: Yes. One to import and one to distribute,  
18 the same participants, the same drugs?

19 MR. KOBRE: Correct, your Honor. The discovery had  
20 been produced on December 28. There may be some remaining  
21 drops of discovery which I will check on today, but eventually,  
22 all the discovery has been produced which includes a wire,  
23 although it was a wire that was not on the defendant's phone.  
24 It was on another of the coconspirators' phones.

25 There are numerous recordings, reports of the Drug

1 Enforcement Administration. There are other warrants and  
2 related court documents for various processes that were  
3 produced to defense counsel on December 28. We are here for  
4 our first pretrial conference.

5 THE COURT: Are there any post-arrest statements?

6 MR. KOBRE: There are some post-arrest statements.  
7 It's not very extensive. Those have all been produced to  
8 defense counsel. They are described in one of the reports of  
9 the Drug Enforcement Agency.

10 THE COURT: Have you and Mr. Dratel had an opportunity  
11 to discuss a schedule for the next phase of this case?

12 MR. KOBRE: Briefly, your Honor. I can let Mr. Dratel  
13 speak to that, but there is a fairly extensive amount of  
14 discovery in this case, a large portion of which is in the  
15 Spanish language.

16 THE COURT: So have you produced or are you producing  
17 line sheets or draft translations or both?

18 MR. KOBRE: Yes. So, with respect to the wire, there  
19 are line sheets. Mr. Dratel has executed a stipulation  
20 agreeing not to use those at trial, which is fairly standard.  
21 I've produced those line sheets to him for the wire.

22 With respect to consensual phone calls and other  
23 consensual recordings, the government does not have transcripts  
24 of any of those.

25 What we do have is there are, for lack of a better

1 term, synopses in the DEA 6s, the Drug Enforcement  
2 Administration reports. Those have been produced again  
3 pursuant to the stipulation.

4 Where there are formal transcripts -- there are  
5 some -- those have also been produced as well. To the extent  
6 any more come, they will be produced.

7 Since there are so many recordings, the government at  
8 this point doesn't have a plan to get all of the recordings  
9 transcribed and translated. It would just be prohibitive in  
10 cost.

11 THE COURT: Does the government have a plan at this  
12 point, a triage plan, to have some of them transcribed? Is  
13 that a process that's ongoing in any way so that Mr. Dratel  
14 might be able to expect to have some further help with  
15 transcripts coming by way of the government?

16 MR. KOBRE: I don't think so, your Honor. I think at  
17 this point the government is relying on the synopses that we  
18 have and whatever has been formally transcribed. We will  
19 probably leave it at that until a later stage in the case.

20 THE COURT: Thank you.

21 Mr. Dratel.

22 MR. DRATEL: Thank you, your Honor. We propose a  
23 90-day period to review the discovery and see where we are and  
24 to also give us a chance to discuss whether there's a  
25 possibility for disposition.

1           We have to review and see where we are. Obviously,  
2           there's been litigation in Panama, but I was not part of that.  
3           So I'm just getting up to speed on all of that. There are four  
4           discs of material

5           THE COURT: Have arrangements been made for copies of  
6           that material to be made available to Mr. Lluberes Rodriguez?

7           MR. DRATEL: That's a question I have for the  
8           government because sometimes prosecutors send them directly,  
9           and sometimes we send them. I don't know how Mr. Kobre wants  
10          to handle that.

11          MR. KOBRE: Your Honor, I'm glad to have copies of  
12          things made and sent to Mr. Rodriguez. I believe he's at MDC.  
13          I don't know the current policy there, but we can do whatever  
14          is consistent with BOP policy. I just don't know. It's been a  
15          while, your Honor.

16          THE COURT: Will you check, or do you want Mr. Dratel  
17          to try to reach Adam Johnson?

18          MR. DRATEL: We'll reach out to Mr. Johnson because  
19          we're familiar. This is part of an ongoing conversation about  
20          a lot of things.

21          THE COURT: Fine. I just want to make sure that  
22          someone was undertaking to do that so that it could move along.

23          Then Ms. Ng, may I have a conference date about three  
24          months out from now.

25          THE DEPUTY CLERK: Thursday, April 7, 2016, at 10:30.

1 THE COURT: Does April 7 at 10:30 work for everybody?

2 MR. KOBRE: Yes, your Honor.

3 MR. DRATEL: One second, your Honor. April 7 is  
4 clear, your Honor.

5 THE COURT: Very good. Is there a request for  
6 exclusion from speedy trial computations of the time from now  
7 until April 7?

8 MR. KOBRE: There is, your Honor, to allow defense  
9 counsel to review the fairly voluminous discovery, engage in  
10 potential plea discussions, and to consider any motions we wish  
11 to make.

12 MR. DRATEL: No objection.

13 THE COURT: The request is granted. I find that the  
14 ends of justice served by the granting of an exclusion from  
15 speedy trial computations from the period from today's date  
16 through April 7, 2016, outweigh the best interests of the  
17 public and the defendant in a speedy trial for the reasons  
18 summarized by Mr. Kobre. Accordingly, the time period is  
19 excluded prospectively.

20 Is there anything else that we should take up together  
21 this afternoon?

22 MR. KOBRE: Not from the government, your Honor.

23 MR. DRATEL: No, your Honor. Thank you.

24 THE COURT: Thank you. We're adjourned. Keep well,  
25 everyone.